

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Appl No. : 09/995,483 Confirmation No. 2251
Reissue Filed : November 28, 2001
Original Patent Number : 6,202,870
Original Patent Issue Date : March 20, 2001
Applicant : Woodrow W. Pearce
Title : VENTING CAP
TC/A.U. : 3781
Examiner : HYLTON, Robin Annette
Docket No. : 45955/I351

SUBSTITUTE DECLARATION FOR REISSUE PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068
May 10, 2011

Commissioner:

As a below named inventor, I hereby declare that I reside at the address listed below, I am a citizen of the United States of America, and I believe I am an original, first and sole inventor of the subject matter described and claimed in U.S. Patent No. 6,202,870 ("the '870 Patent"), issued on March 20, 2001, for which a reissue patent is sought on the invention entitled VENTING CAP. The application for the '870 Patent was filed on March 29, 1999, as Application Serial No. 09/277,918 ("the '918 Application").

I acknowledge the duty to disclose information known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.


I believe that the '870 Patent is partially inoperative because none of the claims in the '870 Patent are directed a bottle cap for capping a bottle having a mouth having a rim, the cap comprising a top portion having an inner surface, an annular wall extending from the top portion, a plurality of concentric circular ridges formed on the top portion inner surface for engaging the rim, where a bottle neck rim is engaged by all of the ridges along a majority of a circumferential length of the rim, and at least a slot formed across each of said plurality of ridges for defining a pathway across the rim when the concentric circular ridges are engaged with the rim. The novelty of this aspect of my

invention was erroneously overlooked, as I did not appreciate the full scope of the invention being claimed at the time the '918 Application was filed and during its prosecution. My failure to recognize the full scope of the invention being claimed was inadvertent as is evidenced by the fact that although this novel feature was described in the specification of the '918 Application, it was not properly claimed. All errors being corrected in this reissue application up to the time of filing of this Declaration are without any deceptive intent on my part.

I hereby state that I have reviewed and understand the content of the above-identified application, as well as pending claims 1, 4-7, 10, 14-18, 22, 23, 27, 28, 30, 31, and 115-118, including all the amendments made to the claims.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue application or any patent issuing thereon.

Dated: May 9 - 2011


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